

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JUDY RODRIGUEZ, *Individually and on
behalf of all others similarly situated,*

Plaintiff,

v.

LOWE'S HOME CENTERS, INC.,

Defendant.

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SA-13-CA-510-XR

ORDER

Before the Court is Plaintiff's Motion to Compel Defendant to Response to Discovery. (Docket Entry 27.) This motion was referred by the Honorable Xavier Rodriguez, pursuant to 28 U.S.C. § 636(b)(1)(A). A hearing was held on the Motion on January 13, 2014.

In accordance with the Court's oral ruling at the hearing, Plaintiff's Motion (Docket Entry 27) is **GRANTED IN PART, DENIED WITHOUT PREJUDICE IN PART**, and **DENIED IN PART**, as follows:

1. The Motion is **GRANTED IN PART** and **DENIED WITHOUT PREJUDICE IN PART** as to Interrogatory No. 1. **Within fourteen days of the date of this Order**, Defendant must identify all persons employed by Defendant at the locations at which Plaintiff worked, whose job duties primarily involve the duties set out in Plaintiff's definition of "Zone Manager" (see Docket Entry 28-2, at 17) from June 11, 2010 until present. For each person, Defendant must provide Plaintiff with the individual's name, dates and locations of employment with Defendant, and last known address. The Motion is **DENIED WITHOUT PREJUDICE** as to the other

information requested by this Interrogatory.

2. The Motion is **GRANTED IN PART** and **DENIED IN PART** as to Request for Production No. 11. **Within fourteen days of the date of this Order**, Defendant must provide to Plaintiff any organizational chart regarding employees at its stores, that was in place from June 2010 to present. The Motion is **DENIED** with regard to other information covered by this Request for Production.
3. The Motion is **GRANTED IN PART** and **DENIED IN PART** as to Requests for Production No. 13 and 14. **Within fourteen days of the date of this Order**, Defendant must provide to Plaintiff relevant documents regarding any complaints of denial of overtime pay, filed with the U.S. Department of Labor by employees of Defendant in Texas whose job duties primarily involve the duties set out in Plaintiff's definition of "Zone Manager" (see Docket Entry 28-2, at 17), from June 11, 2010 until present. The Motion is **DENIED** with regard to other information covered by these Requests for Production.
4. The Motion is **DENIED** as to Request for Production No. 16.

All information produced in response to this Order is subject to the Court's Confidentiality and Protective Order of November 19, 2013, as appropriate. (*See* Docket Entry 26.) No attorney's fees or other expenses are awarded. *See* FED. R. CIV. P. 37(a)(5)(A)(iii).

It is so **ORDERED**.

SIGNED on January 13, 2014.


Henry J. Bemporad
United States Magistrate Judge